IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6865 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KAMINABEN SHAILESHKUMAR D/O PATEL AMRATLAL REVANDAS

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 6865 of 2004

MR PRADEEP PATEL for Petitioner No. 1

DS AFF.NOT FILED (R) for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 25/06/2004

ORAL JUDGEMENT

The present petition has been preferred under

Article 226 of the Constitution of India, for change in the date of birth of the petitioner in the passport, which is yet to be issued.

2. Learned Counsel appearing for the respondent authority submits that the present petition is premature in nature, and no such error, as envisaged by the petitioner, has been committed by the respondent authority. This is nothing but a sheer mistake on the part of the petitioner for getting his passport issued.

3. Looking to the peculiar facts and circumstances of the case, the respondent authority is directed to issue the passport, on the basis of a fresh application being submitted by the petitioner with the corrected date of birth and on submission of necessary documents, which may be verified by the respondent authority. As the passport has not been issued, the petition is premature in nature and hence, it is dismissed. Rule discharged.

(D. N. Patel, J.)

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